

1 Kristin A. Schuler-Hintz, Esq., Nevada SBN 7171
2 Christopher M. Hunter, Esq., Nevada SBN 8127
3 McCarthy & Holthus, LLP
4 9510 W. Sahara, Suite 110
5 Las Vegas, NV 89117
6 Phone (702) 685-0329
7 Fax (866) 339-5691
KHintz@mccarthyholthus.com

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAY C. and SHERENE WHITING, Husband) CASE NO. 2:11-cv-01968-GMN-PAL
and Wife,)
Plaintiffs,)
v.) **ORDER GRANTING AURORA BANK,**
AURORA BANK, FSB; and QUALITY) **FSB'S AND QUALITY LOAN SERVICE**
LOAN SERVICE CORP.,) **CORP'S MOTION TO DISMISS**
Defendants.)
)
)

Defendants, Aurora Bank, FSB and Quality Loan Service Corp., filed a Motion to Dismiss Plaintiffs' Complaint pursuant to FRCP 12(b)(6) on December 13, 2011 (Docket No. 7). The Docket Report and this Court's Minute Order of December 14, 2011 indicates that a Response to the Motion to Dismiss was due at the latest by December 31, 2011. No Response has been filed.

The Court having considered the moving papers, its own files, and good cause appearing, rules as follows:

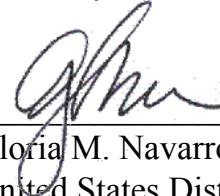
1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to the Motion to Dismiss was required to be filed with the Court and served within fourteen days after service of the motion. No Response and/or Opposition has been filed by the Plaintiffs regarding this matter. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file Points and Authorities in response to any Motion shall constitute consent to the granting of the motion.

2. The Court may grant the Motion to Dismiss for failure to follow local rules. *Ghazali v. Moran*, 46 F.3d 52 (9th Cir. 1995). Before dismissing the action, the district court is required

1 to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the
2 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
3 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.
4 The Court has considered these factors and finds that Plaintiffs have received notice and have
5 been given ample time to respond.

6 IT IS THEREFORE ORDERED, that based on the foregoing, the Motion to Dismiss is
7 GRANTED and Defendants, Aurora Bank, FSB and Quality Loan Service Corp., are hereby
8 dismissed with prejudice.
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10 **IT IS SO ORDERED** this 5th day of January, 2012.

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13 Gloria M. Navarro
14 United States District Judge
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